

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION**

THIS DOCUMENT RELATES TO:

*Masiowski v. AmerisourceBergen Drug
Corporation, et al.*, 1:18-op-45985-DAP

MDL No. 2804

Case No. 17-md-2804

Judge Dan Aaron Polster

**THE PHARMACY DEFENDANTS' UNOPPOSED MOTION REGARDING
DEADLINES TO BRIEF PLAINTIFF MICHAEL MASIOWSKI'S MOTION TO
AMEND COMPLAINT AND CORRECTED MOTION TO AMEND COMPLAINT**

Defendants CVS Pharmacy, Inc., Walgreen Co., Walgreen Eastern Co., Inc., and Walmart Inc. (the "Pharmacy Defendants") hereby request that the Court decide the Pharmacy Defendants' pending Motion to Dismiss Plaintiff Michael Masiowski's Complaint for Failure to Submit a Plaintiff Fact Sheet ("Motion to Dismiss") before Pharmacy Defendants respond to Plaintiff Michael Masiowski's Motion for Leave to Amend and Corrected Motion for Leave to Amend. The Pharmacy Defendants conferred with Plaintiff's counsel who indicated that he did not oppose this Motion.

The Pharmacy Defendants were not named in Plaintiff's original Complaint. Plaintiff filed a Motion for Leave to Amend on July 29, 2024, and a Corrected Motion for Leave to Amend on August 8, 2024, which purported to add the Pharmacy Defendants, as well as other defendants. Doc. 33 (1:18-op-45985); Doc. 5582. The deadline for defendants to respond to Plaintiff's Motion for Leave to Amend and Corrected Motion for Leave to Amend is currently September 30, 2024. Doc. 5522.

On September 18, 2024, the Pharmacy Defendants filed their pending Motion to Dismiss.¹ Doc. 5636. The current deadline for Plaintiff to respond to the Pharmacy Defendants' Motion to Dismiss is October 18, 2024.

The Pharmacy Defendants request, for purposes of economy and judicial efficiency, that the Court first decide the Pharmacy Defendants' Motions to Dismiss and extend the deadline for defendants to respond, if necessary, to Plaintiff's Motion for Leave to Amend and Corrected Motion for Leave to Amend to ten (10) business days after the Court issues a decision on the Motion to Dismiss.

Dated: September 27, 2024

Respectfully submitted,

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¹ Cardinal Health, Inc., AmerisourceBergen Drug Corporation, McKesson Corporation, Actavis LLC, Actavis Pharma, Inc., Cephalon, Inc., Teva Pharmaceuticals USA, Inc., and Watson Laboratories, Inc. also filed motions to join the pending Motion to Dismiss. Docs. 5639, 5644.

/s/ Kaspar J. Stoffelmayr

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*Counsel for Walgreen Co. and Walgreen Eastern
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CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of September, 2024, I electronically filed a copy of the foregoing with the Clerk of the Court using the CM/ECF system, which caused all parties or counsel of record to be served

Dated: September 27, 2024

Respectfully submitted,

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